

March 19, 1976

I believe that there will be some consideration, perhaps, by members of this body about some of the desirabilities of this system by which I'm proceeding. I have attempted to resolve the major issues. I have attempted to reach compromises where compromises were available. I have attempted to convey to all members my willingness to compromise and to concede and to deliberate. I think I've done that.

The bill, as you see before you today, is a compromise. I've accepted much of the Committees work. The principal point of disagreement today, I believe, revolves around the matter of notice. If there were an effective manner in which notice could be handled other than that which I have recommended, I would be certainly willing to accept that. At the present time I see no other way that it can be done. The matter of the....

PRESIDENT: Two minutes, Senator.

SENATOR SCHMIT: The matter of the trust fund for individuals, who are injured and who must depend upon an income from the trust fund in order to survive, raise some questions because in my original bill in the event of the death of that person the money that was left reverted to the excess liability fund. I have added an amendment which instead allows that money to revert to the heirs of the individual. I think it's.... I'm not sure that's the way it should go, but there was some serious question about it.

The one other point that has been raised, and I visited with Senator Dworak about this, and that is whether or not the procedure whereby we establish the excess liability fund is adequate. The reason that I chose the 50 percent surcharge upon the basic premium was this, it would get the \$5 million fund established as soon as possible and it would maintain it at that level in the best possible manner. If there's a better way to do it I'd be glad to listen to it, but I have not had any suggestions that would ... that I believe at this time would be reasonable. Therefore at the present time I hope the body will adopt my amendment.

PRESIDENT: The.... Could I have your attention. The question now is the Chair addressing itself to the point of order raised by Senator Chambers. It might be appropriate for the Chair to ask those of differing views on this subject to be heard at this time. The Chair suspects that regardless of which way the ruling goes there will be an appeal at which time the Chair would welcome and expect and hope for some thoughtful debate on the complex legal problem raised by Senator Chambers. So the Chair doesn't feel that it would be of any particular benefit to have comment now, because, regardless of which way I raise ... rule, I think there will be extended comment after my ruling on appeal. I would think that either side would appeal.